



Senate

General Assembly

File No. 15

January Session, 2007

Senate Bill No. 153

Senate, March 8, 2007

The Committee on Labor and Public Employees reported through SEN. PRAGUE of the 19th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING SCARRING AWARDS UNDER THE WORKERS' COMPENSATION ACT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (c) of section 31-308 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2007*):

4 (c) In addition to compensation for total or partial incapacity or for a
5 specific loss of a member or use of the function of a member of the
6 body, the commissioner, not earlier than one year from the date of the
7 injury, [and not later than two years from the date of the injury or the
8 surgery date of the injury,] may award compensation equal to seventy-
9 five per cent of the average weekly earnings of the injured employee,
10 calculated pursuant to section 31-310, after such earnings have been
11 reduced by any deduction for federal or state taxes, or both, and for
12 the federal Insurance Contributions Act made from such employee's
13 total wages received during the period of calculation of the employee's
14 average weekly wage pursuant to said section 31-310, but not more
15 than one hundred per cent, raised to the next even dollar, of the

16 average weekly earnings of production and related workers in
 17 manufacturing in the state, as determined in accordance with the
 18 provisions of section 31-309, for up to two hundred eight weeks, for
 19 any permanent significant disfigurement of, or permanent significant
 20 scar on [, (A) the face, head or neck, or (B) on any other area of the
 21 body which handicaps the employee in obtaining or continuing to
 22 work. The commissioner may not award compensation under this
 23 subsection when the disfigurement was caused solely by the loss of or
 24 the loss of use of a member of the body for which compensation is
 25 provided under subsection (b) of this section or for any scar resulting
 26 from an inguinal hernia operation or any spinal surgery] any area of
 27 the body. In making any award under this subsection, the
 28 commissioner shall consider (1) the location of the scar or
 29 disfigurement, (2) the size of the scar or disfigurement, (3) the visibility
 30 of the scar or disfigurement due to hyperpigmentation or
 31 depigmentation, whether hypertrophic or keloidal, (4) whether the
 32 scar or disfigurement causes a tonal or textural skin change, causes
 33 loss of symmetry of the affected area or results in noticeable bumps or
 34 depressions in the affected area, and (5) other relevant factors.
 35 [Notwithstanding the provisions of this subsection, no compensation
 36 shall be awarded for any scar or disfigurement which is not located on
 37 (A) the face, head or neck, or (B) any other area of the body which
 38 handicaps the employee in obtaining or continuing to work.] In
 39 addition to the requirements contained in section 31-297, the
 40 commissioner shall provide written notice to the employer or the
 41 employer's representative prior to any hearing held by the
 42 commissioner to consider an award for any scar or disfigurement
 43 under this subsection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2007	31-308(c)

LAB *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Dept. of Administrative Services - Workers' Comp. Claims; Various State Agencies	All Funds - Cost	None	848,750 - 1,091,250
Treasurer	SIF - Cost	None	255,000

Note: SIF=Second Injury Fund

Municipal Impact:

Municipalities	Effect	FY 08 \$	FY 09 \$
All Municipalities	STATE MANDATE - Cost	None	See Below

Explanation

The bill expands workers' compensation benefits for scarring and disfigurement to any area of the body. Under current law, benefits are only available if the scarring or disfigurement is on the face, head or neck, or other area of the body which limits the employee in obtaining or continuing to work. The bill also eliminates the two-year statute of limitations on the filing of scarring and disfigurement claims.

This bill will result in a cost to the state and municipalities. It is a state mandate on municipalities. It is estimated that this expansion of benefits will increase the state's workers' compensation costs by approximately \$848,750 - \$1,091,250 in FY 09, based on a 1.75% to 2.25% increase in indemnity expenditures. The increased claim costs associated with scarring and disfigurement to any body part would begin after October 1, 2008 (FY 09), as the bill has an effective date of October 1, 2007 and a scar evaluation cannot be made until one year from the date of the injury or surgery from which the scar occurs.

The cost to the Second Injury Fund is estimated to be \$255,000 in FY 09, as only new concurrent employment claims (Sec. 31-310) and uninsured employer claims (Sec. 31-355) are impacted.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**SB 153*****AN ACT CONCERNING SCARRING AWARDS UNDER THE WORKERS' COMPENSATION ACT.*****SUMMARY:**

This bill (1) expands workers' compensation law to provide benefits for permanent disfigurement or scarring of any body part and (2) repeals the two-years-after-the-injury deadline to file a scarring or disfigurement claim.

Under current law, a workers' compensation commissioner can award benefits for disfigurement or scarring only (1) on the face, head, or neck or (2) on any other area of the body that hinders the employee from obtaining or continuing to work. Also under current law, such a claim must be filed at least one year following the date of the injury or surgery and no later than two years following the injury or surgery. Under the bill, the claim can be filed any time after one year following the injury or surgery.

The bill also specifies that a commissioner can provide the employer's representative, instead of the employer, with the required notice of a hearing to consider a scarring award.

EFFECTIVE DATE: October 1, 2007

BACKGROUND***Award Considerations***

By law, in making a disfigurement or scarring award, a commissioner must consider the scar or disfigurement's (1) location and size; (2) visibility due to hyperpigmentation or depigmentation; (3) textural skin change, loss of symmetry, and bumps or depressions; and

(4) other relevant factors.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 7 Nay 2 (02/22/2007)